

## **REMARKS**

### **I. Claim Amendments**

With this response, claims 1 and 7-19 are amended, claims 2-6 are canceled, and claims 20 and 21 are new. Support for amendments in claim 1 are found in canceled claims 2 and 6. New claims 20 and 21 are supported by claim 1 and canceled claim 2.

### **II. Information Disclosure Statement**

The Applicant submits that an IDS was filed for this application on April 5, 2006. The Examiner states in the Office Action, that an IDS was not received. The Applicant herewith resubmits the IDS of April 5, 2006.

### **III. Claim Objections**

A. The Examiner contends claim 5 is objected to for informalities. With this response, claim 5 is canceled, thus obviating this objection.

B. The Examiner contends that claims 9-10 are objected to for informalities. With this response, claims 9-10 are amended to use the terminology as recommended by the Examiner.

C. The Examiner contends that claim 13 is objected to for informalities. With this response, claim 13 is amended to use the terminology as recommended by the Examiner.

D. In view of the above, the Applicant respectfully requests removal of the objections to claims 5, 9-10 and 13.

**IV. 35 USC 112, second paragraph, and 35 USC 101**

The Examiner contends that claims 2-3 are rejected under 35 USC 112, second paragraph, as being indefinite for reciting the use of healing wounds and use as a cosmetic without reciting active steps. The Examiner further contends that claims 2-3 are rejected under 35 USC 101 for recitation of a use without setting forth any steps involved in the process, resulting in an improper definition of a process. The Applicant respectfully traverses.

The Applicant submits that with this response, claims 2 and 3 are canceled and canceled claim 2 is incorporated into claim 1. The Applicant submits that amended claim 1—*"A honey-based skin-care wound treatment preparation, characterized in that the honey is entrapped within an aqueous polymeric gel based on acrylic monomers or derivatives therefrom comprising ..."* is definite with respect to 35 USC 112. Further the Applicant submits that amended claim 1 no longer recites a use, and therefore is not required to recite steps under 35 USC 101. The Applicant respectfully requests removal of the rejections of claims 2-3 under 35 USC 112 and 35 USC 101.

**V. 35 USC 102(b)**

The Examiner contends that claims 1, 3, 5 and 7-8 are rejected under 35 USC 102(b) as being anticipated by Lundmark (U.S. Patent 6,174,535). The Applicant respectfully traverses this rejection. With this response, claims 3 and 5 are canceled, thus obviating the rejection of these claims.

2. The Applicant submits that in view of the amendments to claim 1, Lundmark does not disclose *"A honey-based skin-care wound treatment preparation, characterized in that the honey is entrapped within an aqueous polymeric gel based on acrylic monomers or derivatives therefrom comprising:*

5 to 60 wt.% humectant;  
30 to 40 wt.% polymeric gel based on acrylic monomers;  
5 to 60 wt.% honey entrapped in said polymeric gel;  
10-30 wt.% polymer, and  
10-30 wt.% water."

The Applicant contends that Lundmark does not anticipate a honey for a treatment of wounds, which comprises a polymeric gel for absorbing moisture. Lundmark discloses a honey preparation for cosmetic treatment of keratinous substrates that comprises Lubrajel providing *moisturizing* qualities (col. 3, line 33) and glycol providing *humectant* properties (col. 4, lines 21-22). The presently claimed invention recites a honey preparation for healing wounds, which comprises a moisture absorbing "polymeric gel". Moisture absorption was neither disclosed nor suggested by Lundmark. In view of the above, the Applicant contends claim 1 is not anticipated by Lundmark.

Claims 7-8 are dependent on claim 1, and therefore share the same novel features as claim 1 in view of Lundmark. Accordingly, the Applicant respectfully requests removal of the rejection of claims 1 and 7-8 over Lundmark.

#### **VI. 35 USC 103(a)**

A. Claims 1-2, 7, 9-10, 12 and 19 are rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Stout. The Applicant respectfully traverses this rejection. With this response, claim 2 is canceled, thus obviating the rejection of this claim.

Stout teaches "improved therapy members useful for treating of sprains, muscle aches, orthopedic and skin injuries...".

The Applicant contends that one of skill in the art would not be motivated to combine a disclosure for a cosmetic and toiletry product containing honey (Lundmark) with the wound gel disclosure of Stout. One of skill in the art reading either of these references, would not be motivated to seek out the other. There is no suggestion in Lundmark that a moisture absorbing element is needed because Lundmark is not disclosing a preparation for wound healing. Likewise, there is no suggestion in Stout that a honey component is needed for wound healing. Accordingly, the Applicant contends that as supported by MPEP 2143.01 III, *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed.Cir. 1990), the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

In view of the above remarks, the Applicant submits that claim 1 and claims 7, 9-10, 12 and 19 which depend from claim 1, are not obvious over Lundmark in view of Stout.

**B.** The Examiner contends that claims 1, 4 and 6 are unpatentable under 35 USC 103(a) for being obvious over Lundmark. The Applicant respectfully traverses this rejection.

The Applicant submits that Lundmark does not disclose or suggest a honey for a treatment of wounds, which comprises a polymeric gel for absorbing moisture, as recited in amended claim 1. The preparation of Lundmark provides *moisture* and *humectant* properties, and in no way suggests the *moisture absorbing* properties of the claimed polymeric gel. With this response, claims 4 and 6 are canceled, and incorporated into amended claim 1. The Applicant submits that amended claim 1 is patentable over Lundmark.

C. The Examiner contends that claims 1 and 10-11 are rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Stout and further in view of Dell. The Applicant respectfully traverses this rejection.

The Applicant contends that one of skill in the art would not be motivated to combine the references of Lundmark, Stout and Dell. One of skill in the art reading Lundmark would not be motivated to seek out Stout because the Lundmark preparation for lotions, shampoos and other cosmetic uses, does not suggest or make obvious the need for a moisture absorbing property for wound healing, as disclosed in Stout. The Lundmark honey preparation does not suggest or make obvious the need for the antimicrobial polymer agent of Dell. The honey in Lundmark is not realized to be useful as an antibiotic preparation, thus it would not be a starting point for one of skill in the art seeking to make a wound healing preparation. Furthermore, one of skill in the art reading Stout, would not be motivated to use a cosmetic honey preparation together with its moisture absorbing polymeric gel wound preparation. Similarly, one of skill in the art reading Dell, would not be motivated to combine its antimicrobial polymer agent with the cosmetic honey preparation of Lundmark. Again, the Applicant contends that as supported by MPEP 2143.01 III, *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed.Cir. 1990), the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

In view of the above remarks, the Applicant submits that claim 1 and claims 10 and 11 which depend from claim 1, are patentable over Lundmark in view of Stout and further in view of Dell.

D. The Examiner contends that claims 1 and 13-14 are rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Trenzeluk. The Applicant respectfully disagrees.

As stated above, the Applicant contends that Lundmark does not anticipate or suggest a honey for a treatment of wounds, which comprises a polymeric gel for absorbing moisture. In this way, the aloe vera disclosure of Trenzeluk combined with the honey preparation of Lundmark does not render obvious the moisture absorbing honey as recited in amended claim 1.

Accordingly, the Applicant submits that claim 1 and claims 13-14 which depend from claim 1 are patentable over Lundmark in view of Trenzeluk.

E. The Examiner contends that claims 1 and 17-18 are rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Hymes. The Applicant respectfully disagrees.

As stated above, the Applicant contends that Lundmark does not anticipate or suggest a honey for a treatment of wounds, which comprises a polymeric gel for absorbing moisture. In this way, the sterilization disclosure in Hymes combined with the honey preparation of Lundmark does not render obvious the moisture absorbing honey as recited in amended claim 1.

Accordingly, the Applicant submits that claim 1 and claims 17-18 which depend from claim 1 are patentable over Lundmark in view of Hymes.

F. In view of the above remarks, the Applicant submits that claims 1, 7-14 and 17-18 are patentable in view of all of the cited references.

## VII. Conclusion

Applicants respectfully contend that all conditions of patentability are met in the pending claims. All remarks have been made without prejudice. The Examiner is respectfully requested to pass the application to issue.

\* \* \*

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed, and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 29, 2007.

March 29, 2007  
(Date of Deposit)

Lonnie Louie  
(Name of Person Depositing)

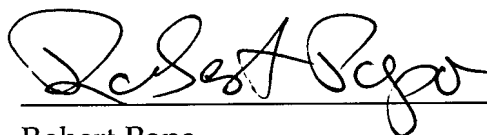


Signature

3/29/07  
Date

Enclosures: IDS of April 5, 2006  
Petition for 2-month extension  
Check for \$450.00  
Excess Claim Form  
Check for \$50.00  
Postcard

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